

REMARKS

Claims 1-22 are pending in this application. By this Amendment, Applicants amend claims 1 and 12 and add claims 23-26. Support for amended claims 1 and 12 and new claims 23-26 may be found at least in paragraphs [0038] and [0061] of Applicants' specification. No new matter is added. Applicants respectfully request consideration and prompt allowance of the claims at least in light of the following remarks.

The Office Action rejects claims 1-22 under 35 U.S.C. §102(b) over U.S. Patent 5,974,788 to Hepburn et al. (hereinafter "Hepburn"). Applicants respectfully traverse the rejection.

Hepburn does not disclose an exhaust emission control method or system for treating exhaust gas emitted from a diesel internal combustion engine, as recited in amended claims 1 and 12.

Hepburn discloses an exhaust emission control device that is designed for a lean burn, spark-ignition type internal combustion engine that burns gasoline, methanol, or a combination of the two (col. 1, lines 10-11; col. 2, lines 6-8; col. 4, lines 53-67; col. 5, lines 23-27; col. 5, lines 38-42; col. 5, lines 51-54; Fig. 4). The exhaust gas temperature is controlled in the internal combustion engine of Hepburn by controlling the spark timing of the engine (col. 5, lines 23-27; col. 5, lines 38-42; col. 5, lines 51-54; Fig. 4). Thus, the temperature control in Hepburn relies on the existence of sparkplugs and a spark for igniting the A/F mixture within the cylinders. Because a diesel engine does not include sparkplugs, Hepburn cannot reasonably be considered to disclose, teach, or suggest, an exhaust emission control method or system for treating exhaust gas emitted from a diesel internal combustion engine.

Because Hepburn does not disclose, teach, or suggest, at least an exhaust emission control method or system for treating exhaust gas emitted from a diesel internal combustion

engine, claims 1 and 12 are patentable over Hepburn. Further, Applicants respectfully submit that claims 2-11 and 12-22 are patentable over Hepburn for at least the reasons that claims 1 and 12 are patentable, as well as for the additional features they recite. Applicants respectfully request withdrawal of the rejection.

By this Amendment, Applicants add claims 23-26. Applicants respectfully submit that claims 23-26 are patentable over Hepburn for at least the reasons that claims 1 and 12 are patentable, as well as for the additional features they recite.

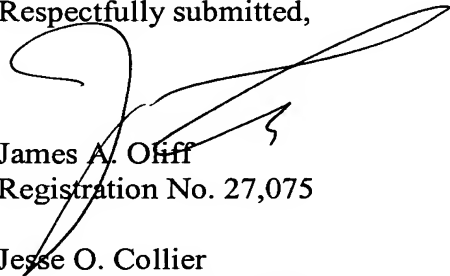
For example, Hepburn does not disclose performing a temperature control process to raise the temperature of the emission control device only when the air/fuel ratio of exhaust gas is leaner than or equal to the stoichiometric air/fuel ratio, as recited in claims 23 and 25 or performing a temperature control process to raise the temperature of the emission control device only when the air/fuel ratio of exhaust gas is leaner than the stoichiometric air/fuel ratio, as recited in claims 24 and 26.

Hepburn utilizes A/F modulation to increase the temperature of the exhaust gas (col. 3, lines 8-11). During A/F modulation, the temperature is increased by cycling through rich and lean A/F mixtures (col. 3, lines 27-49; Table 1). Accordingly, in Hepburn, the temperature is increased during rich A/F mixtures and lean A/F mixtures. Thus, Hepburn cannot reasonably be considered to disclose, teach, or suggest performing a temperature control process to raise the temperature of the emission control device only when the air/fuel ratio of exhaust gas is leaner than or equal to the stoichiometric air/fuel ratio, as recited in claims 23 and 25 or performing a temperature control process to raise the temperature of the emission control device only when the air/fuel ratio of exhaust gas is leaner than the stoichiometric air/fuel ratio, as recited in claims 24 and 26.

In view of at least the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of claims 1-26.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicants invite the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Amendment Transmittal w/ Check # 166711(\$200)
Petition for Extension of Time w/ Check # 166698 (\$120)
Request for Continued Examination w/ Check #166705 (\$790)

Date: May 17, 2005

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